

REMARKS

Claims 1, 2, 4-8 and 10-22 are all the claims pending in the application.

Applicant thanks the Examiner for accepting the drawings filed on September 4, 2001.

Claims 1-2, 4-6, and 10-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mosaic Technologies “Mosaic” (WO 98/51,823).

Claims 1-2, 4-8, and 10-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mosaic Technologies (“Mosaic”) (WO 98/51,823) and Briggs et al. (U.S. Patent No. 5,560,811).

Applicants traverse these rejections and request reconsideration.

Prior Art Rejections

Rejection of claims 1-2, 4-6, and 10-22 under section 102 based on Mosaic Technologies

The Examiner has not provided additional reasons for the rejection of the above claims.

In responding to the arguments made by the Applicants in the response filed August 3, 2004, the Examiner contends that the claims do not recite that the target molecules themselves are separated into fragments (see page 3, 1st paragraph of the Office Action). But, then, in the next sentence, the Examiner contends that the claims recite “binding a target with the probes using specific binding reaction to capture the target” and “fractionating the captured target to produce a fractionated target.” The Applicants request the Examiner to clarify the above seemingly inconsistent positions.

Further, the Examiner contends that the presently claimed method does not claim that the target molecules themselves are separated into fractions. The Applicants respectfully submit that

independent claim 1 has been amended to specifically recite that “the fractionating the target molecule is separated into a plurality of fractions based on molecular weight.”

Claim 1 is not anticipated by Mosaic at least because it does not disclose (or suggest) the inventive combination including step of fractionating the captured target to produce a fractionated target wherein during the fractionating, the target molecule is separated into a plurality of fractions based on molecular weight.

Claims 2, 4-8 and 10-22 are dependant on claim 1, and therefore, should be allowed at least for the same reasons.

Rejection of claims 1-2, 4-8, and 10-22 under section 103 based on Mosaic Technologies and Briggs et al

The above claims are allowable at least for the reasons discussed in the previous subsection. In addition, Briggs does not overcome the deficiency noted above in the teachings of Mosaic.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 09/944,175

Attorney Docket No. Q65952

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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